

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, APRIL 6, 2023

SEC. - PLANNING OFFICE
COMMONWEALTH CENTER

2023 APR -6 A 11:00

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APPLICATION OF

WAYNE AVE SOLAR 1, LLC

CASE NO. PUR-2023-00038

For licensure as a non-exempt shared
solar subscriber organization

ORDER FOR NOTICE AND COMMENT

On March 14, 2023, Wayne Ave Solar 1, LLC ("Wayne Ave" or "Company") filed an application ("Application") with the State Corporation Commission ("Commission") for a license to conduct business as a non-exempt subscriber organization in the shared solar program established pursuant to § 56-594.3 of the Code of Virginia ("Code").¹ The Company seeks authority to provide service to subscribers in the service territory of Virginia Electric and Power Company d/b/a Dominion Energy Virginia ("Dominion"). In its Application, the Company attested that it would abide by all applicable laws of the Commonwealth and regulations of the Commission as required by 20 VAC 5-340-30 B of the Commission's Rules Governing Shared Solar Program.²

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that this matter should be docketed; the Company should provide notice of its Application to Dominion; interested persons should have an opportunity to comment on the Application; and the Commission's Staff ("Staff") should be directed to investigate the Application and present its

¹ The Company simultaneously filed a Motion for Entry of a Protective Order and a confidential version of the Application on March 14, 2023, to complete its Application.

² 20 VAC 5-340-10 *et seq.*

findings in a report ("Staff Report"). We further find that a Hearing Examiner should be appointed to rule on all discovery matters that arise during the course of this proceeding.

To promote administrative efficiency and timely service of filings upon participants, the Commission will, among other things, direct the electronic filing of testimony and pleadings unless they contain confidential information, and require electronic service on parties to this proceeding.

Accordingly, IT IS ORDERED THAT:

(1) This matter is docketed and assigned Case No. PUR-2023-00038.

(2) All pleadings in this matter should be submitted electronically to the extent authorized by Rule 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice and Procedure ("Rules of Practice").³ Confidential and Extraordinarily Sensitive information shall not be submitted electronically and shall comply with the Rules of Practice, including 5 VAC 5-20-170 regarding *Confidential information*, which requires a motion for protective order or other confidential treatment to accompany an application that contains information the applicant claims to be confidential, and 5 VAC 5-20-30, *Counsel*, which requires a properly licensed attorney to file pleadings or papers to represent the interests of an entity before the Commission. At this time, any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.

(3) Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Rules of Practice, the Commission directs that service on parties and the Staff in this matter shall be accomplished by electronic means. Concerning Confidential or Extraordinarily Sensitive Information, parties and

³ 5 VAC 5-20-10 *et seq.*

the Staff are instructed to work together to agree upon the manner in which documents containing such information shall be served upon one another, to the extent practicable, in an electronically protected manner, even if such information is unable to be filed in the Office of the Clerk, so that no party or the Staff is impeded from preparing its case.

(4) As provided by Code § 12.1-31 and 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Rules of Practice, a Hearing Examiner is appointed to rule on any discovery issues that may arise during the course of this proceeding.

(5) Any interested person may request a public copy of the Application, accompanying materials, and this Order by directing a request in writing to Garren Bischoff, Vice President, 1000 Wilson Boulevard, Suite 2400, Arlington, Virginia 22209, garren@srenergy.com. The Company shall, within three (3) days of receipt of such request, serve the requested documents upon the person making such request. A copy of the Application may also be viewed or downloaded from the Commission's website: scc.virginia.gov/pages/Case-Information.

(6) On or before April 13, 2023, Wayne Ave shall serve a copy of this Order upon Dominion via Paul E. Pfeffer, Esquire, at paul.e.pfeffer@dominionenergy.com.

(7) On or before April 20, 2023, the Company shall file with the Clerk of the State Corporation Commission, at scc.virginia.gov/clk/efiling/, proof of service upon Dominion as required by Ordering Paragraph (6).

(8) On or before April 27, 2023, any interested person may submit comments on the Application by following the instructions found on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to submit comments electronically may file such comments by U.S. mail to the Clerk of the Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. A

copy of such comments shall be served upon the Company at the email address set forth in Ordering Paragraph (5). Such comments simultaneously shall be sent to Richard Michaux, Principal Utility Compliance Specialist, at Richard.Michaux@scc.virginia.gov and Matthew Unger, Senior Renewable Energy Analyst, at Matthew.Unger@scc.virginia.gov.⁴ All comments shall refer to Case No. PUR-2023-00038.

(9) The Staff shall analyze the Application and shall present its findings in a Staff Report to be filed on or before May 4, 2023.

(10) On or before May 11, 2023, the Company may file with the Clerk of the Commission, at scc.virginia.gov/clk/efiling/, any response to the Staff Report and any comments filed in this proceeding.

(11) All documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified herein, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Commission's Rules of Practice.

(12) The Company shall respond to written interrogatories or data requests within five (5) calendar days after the receipt of the same. Interrogatories and data requests, as well as the responses thereto, shall be transmitted via electronic mail to the extent possible. Except as modified herein, discovery shall be in accordance with Part IV of the Commission's Rules of Practice, 5 VAC 5-20-240 *et seq.*

(13) This matter is continued.

⁴ Those without access to electronic mail may serve a copy of such comments on the Company at the address in Ordering Paragraph (5) and on Richard Michaux, Principal Utility Compliance Specialist, and Matthew Unger, Senior Renewable Energy Analyst, State Corporation Commission, Division of Public Utility Regulation, P.O. Box 1197, Richmond, Virginia 23218.

Commissioner Patricia L. West participated in this matter.

A COPY hereof shall be sent electronically by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission.